

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|-------------------|
| UNITED STATES OF AMERICA, |) | 4:07CR3166 |
| |) | |
| Plaintiff, |) | MEMORANDUM |
| v. |) | AND ORDER |
| |) | |
| YESENIA SANCHEZ, |) | |
| |) | |
| Defendant. |) | |

This matter is before the court on a report and recommendation by Magistrate Judge Piester (filing 39) and on the defendant's statement of objections (filing 45),¹ filed pursuant to NECrimR 57.3 and 28 U.S.C. § 636(b)(1). Judge Piester is recommending that the defendant's motion to suppress (filing 23) be denied in all respects. The defendant, Yesenia Sanchez, only objects to "the Magistrate's finding that Trooper Frye was objectively reasonable in finding there was probable cause to stop the vehicle Yesenia Sanchez was riding in on November 19, 2007." (Filing 45, ¶ 1.)²

I have conducted a de novo review of the record. I find that inasmuch as the Magistrate Judge has fully, carefully, and correctly found the facts and applied the

¹ The report and recommendation is also made with reference to a motion to suppress filed in Case No. 4:07CR3164, *United States v. Augustin Morales-Mata*. A joint evidentiary hearing on the motions to suppress was conducted by Judge Piester on February 28, 2008.

² In addition to finding that there was probable cause for the traffic stop, Judge Piester determined that the defendant was lawfully detained and questioned by the state trooper and also that the defendant voluntarily consented to a search of the vehicle after the traffic stop was concluded.

law, the report and recommendation should be adopted and the defendant's statement of objections and motion to suppress should be denied in all respects.

Accordingly,

IT IS ORDERED that:

1. the Magistrate Judge's report and recommendation (filing 39) is adopted;
2. Defendant's statement of objections (filing 45) is denied; and
3. Defendant's motion to suppress (filing 23) is denied in all respects.

March 27, 2008.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge